

**Filed 12/10/01 by Clerk of Supreme Court  
IN THE SUPREME COURT  
STATE OF NORTH DAKOTA**

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2001 ND 196

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State of North Dakota,

Plaintiff and Appellee

v.

Glenn A. Gates,

Defendant and Appellant

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No. 20010167

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Appeal from the District Court of Renville County, Northeast Judicial District,  
the Honorable John C. McClintock, Jr., Judge.

AFFIRMED.

Per Curiam.

Marvin K. Madsen (on brief), State's Attorney, P.O. Box 398, Mohall, N.D.  
58761, for plaintiff and appellee.

Glenn A. Gates (on brief), pro se, P.O. Box 667, Mohall, N.D. 58761, for  
defendant and appellant.

**State v. Gates**

**No. 20010167**

**Per Curiam.**

[¶1] Glenn Gates appealed from a district court order denying his motion “to remove all of the felony charges” and deem his conviction for class C felony theft to be a misdemeanor. After his conviction, Gates violated probation on several occasions, and he was resentenced to incarceration for one year and one day. Consequently, he is not entitled to have his felony conviction deemed to be a misdemeanor under the terms of N.D.C.C. § 12.1-32-02(9), and we affirm under N.D.R.App.P. 35.1(a).

[¶2] Gerald W. VandeWalle, C.J.  
Mary Muehlen Maring  
Carol Ronning Kapsner  
Dale V. Sandstrom  
Bruce E. Bohlman, D.J.

[¶3] The Honorable Bruce E. Bohlman, D.J., sitting in place of Neumann, J., disqualified.